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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
SMITS, TALIVALDIS IVARS

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PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte DEVENDRA KALRA

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Appeal 2008-5118
Application 09/707,309
Technology Center 2600

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Decided: February 5, 2009

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Before ROBERT E. NAPPI, JOHN A. JEFFERY,

and R. EUGENE VARNDELL JR., *Administrative Patent Judges.*

NAPPI, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 6(b) of the final

rejection of claims 1 through 8 and 18 through 28. Claims 9 through 17

have been canceled.

We reverse the Examiner's rejections of these claims.

INVENTION

The invention is directed towards a method of creating or editing documents in non-English languages using a computing device that is pre-configured to create English language documents. The method involves pre-loading a partial set of the non-English language font and loading additional non-English font data as needed. See pages 1 and 10 of Appellant's Specification. Claim 1 is representative of the invention and reproduced below:

> 1. A method of creating a document on a computing device, comprising:
> initializing the computing device with a portion of font data for a particular language, the portion including less than all of the font data for the particular language;
> receiving input text in the computing device to initiate the document creation process;
> based on the input text, determining whether the portion of the font data is sufficient to create the document on the computing device; and
> loading a further portion of the font data to the computing device from a data storage location if the computing device cannot create the document with the portion of the font data, wherein the further portion of the font data alone or in combination with the portion of the font data are used to create the document.

REFERENCES

Rowe	US 6,073,148	Jun. 6, 2000
Lakritz	US 6,623,529 B1	Sep. 23, 2003

REJECTIONS AT ISSUE

The Examiner has rejected claims 1 through 3, 18 through 22, and 28 under 35 U.S.C. § 102(e) as being anticipated by Rowe. The Examiner's rejection is on pages 3 through 8 of the Answer.[1]

The Examiner has rejected claims 4 through 8 and 23 through 27 under 35 U.S.C. § 103(a) as being unpatenable over Rowe in view of Lakritz. The Examiner's rejection is on pages 8 through 11 of the Answer.

ISSUE

Appellant argues on pages 4 and 5 of the Brief,[2] that the Examiner's rejection of claims 1 through 3, 18 through 22, and 28 under 35 U.S.C. § 102(e) is in error. Appellant argues that Rowe does not teach initializing a computing device with a portion of less than all of the font data for a particular language and loading a further portion of the font data if the device can not create the document with the first portion of the font data as claimed. Appellant argues that claims 4 through 8 and 23 through 27 depend upon independent claims 1 or 18 and that the obviousness rejection is in error for the reasons argued with respect to the anticipation rejection of claims 1 and 18.

Thus, Appellant's contentions present us with the issue: did the Examiner err in finding that Rowe teaches initializing a device with portions of font data and subsequently loading additional portions of font data as claimed?

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[1] Throughout the opinion we refer to the Answer mailed July 18, 2007.

FINDINGS OF FACT

1. Appellant's Specification describes glyphs or fonts, as a representation of characters in a message. Page 2, ll. 5-10, see also page 11, ll. 4-8 (examples of Chinese characters).

2. Rowe teaches a system and method for reducing the time to download and display a page based electronic document. Col. 3, ll. 44-47.

3. In Rowe's system if the document requires use of a font that is not loaded in the machine, a substitute font is used to display the document and the required font is sought out and loaded while the document is being displayed. Thus, the system does not delay displaying the document while the fonts in the document are loading. Col. 3, ll. 49-57, col. 27, l. 57 – col. 28, l. 20.

4. In situations where there is no substitute font, e.g., when the font is a font of symbols, place holders are used as a substitute for the font. Rowe, col. 28, ll. 47-54.

5. Rowe discusses fonts as they relate to a group of characters of one style, and recognizes that there are fonts for other languages. Col. 29, ll. 25-28.

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[2] Throughout the opinion, we refer to the Brief, received March 20, 2007.

PRINCIPLES OF LAW

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444 (Fed. Cir. 1984); *W.L. Gore and Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554 (Fed. Cir. 1983).

ANALYSIS

Appellant's contentions have persuaded us that the Examiner's rejection of independent claims 1, 18, and 28 is in error. Claim 1 recites "initializing the computing device with a portion of font data for a particular language, the portion including less than all of the font data for the particular language" and "loading a further portion of the font data to the computing device from a data storage location if the computing device cannot create the document with the portion of the font data." Independent claims 18 and 28 recite similar limitations. Consistent with Appellant's Specification (Fact 1, we construe the term "font data for a particular language" to be a set of data to display the characters of the language. Thus, the scope of the independent claims includes that a less than complete portion of the font data (data to display the characters) for a particular language is initially loaded and that additional font data is loaded as needed to create a document.

In rejecting the independent claims the Examiner stated:

Rowe teaches that when a font reference is encountered (col. 18, lines 4-5, and step 400 in Figure 13a, which implies that the computing device has been initialized with font data) the software must

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determine whether a "desired font" is already available (step 402), if not, a "substitute font" (reading on "a portion of font data for the particular language") is used (step 406).

When there is a need for characters that are not in this font portion ("characters that are not generally available in fonts", col. 28, lines 47-48) then place-holding symbols are used therefor in the document (col. 28, line 51), and these characters are subsequently loaded (step 420) so that the document is created ("the affected portions of the display are redrawn, steps 422 through 428", col. 28, lines 57-58).

Thus, Rowe teaches initially using only a portion of the font data for the particular language, and loading a further portion of font data if the computing device cannot create the document with said portion of the font data.

Answer 11-12.

We disagree with the Examiner's rationale. We do not consider that the "substitute font" of Rowe reads on "a portion of font data for the particular language." As discussed above, a portion of the font data for the particular language refers to a portion of the data needed to display the characters of a language. Rowe teaches that if the computer does not have a font (which we consider to be a complete set of characters), then a substitute font (complete set of characters) or space holders are selected. Facts 3 and 4. Thus, Rowe's teaching is directed to complete fonts (sets of characters) and not portions of fonts (incomplete sets of characters). Accordingly, we do not find that Rowe teaches all of the limitations of independent claims 1, 18 and 28, and we will not sustain the Examiner's rejection of claims 1 through 3, 18 through 22, and 28 under 35 U.S.C. § 102(e).

The Examiner has not found, nor do we find, that the additional teachings of Lakritz remedy the noted deficiency in the rejection of independent claims 1 and 18. Accordingly, we will not sustain the Examiner's rejection of claims 4 through 8 and 23 through 27, which depend

upon claims 1 or 18, for the reasons discussed above with respect to claims 1 and 18.

ORDER

The decision of the Examiner is reversed.

<u>REVERSED</u>

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TOWNSEND AND TOWNSEND AND CREW, L.L.P.
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834